Filed 02/01/2008 Page 1 of 3

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John D. Kimball (JK-2005) David D. Jensen (DJ-2261)

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

THE TRAVELERS as subrogee of DORSON INC., and EDDIE BAUER, INC., THE HARTFORD INSURANCE CO., as subrogee of CROSS ISLAND TRADING CO., INC., and GREAT AMERICAN INSURANCE CO., as subrogee of DO 1T BEST CORP.,

Plaintiffs,

- against -

M/V "EASLINE TIANJIN", her engines, boilers, etc.,

- and -

KAWASAKI KISEN KAISHA, LTD., YANG MING MARINE TRANSPORT, LTD., PHOENIX INTERNATIONAL FREIGHT SERVICES, LTD., LAUFER FREIGHT LINES, LTD., APL LOGISTICS, and HYUNDAI MERCHANT MARINE, LTD.,

Defendants.

07 Civ. 3104 (RPP)

Related cases:

06 Civ. 13439 (RPP)

07 Civ. 0959 (RPP) 07 Civ. 1357 (RPP)

07 Civ. 2562 (RPP)

07 Civ. 3180 (RPP)

PARTIAL STIPULATION OF DISMISSAL

WHEREAS, Plaintiffs have agreed to dismiss any and all claims they have asserted herein against APL LOGISTICS under claim number 06-P-017(B), set forth in Schedule C of the Second Amended Complaint (hereinafter "APL Logistics Claim"); and

WHEREAS, Defendant APL LOGISTICS had no involvement in any of the other claims asserted in this Action or in any of the Related Actions listed on the caption of this document;

WHEREAS, Defendant APL LOGISTICS asserted cross-claims against other Defendants in the action, and certain other Defendants in the action asserted cross-claims against APL LOGISTICS; and

WHEREAS, the cross-claims asserted by and against Defendant APL LOGISTICS are rendered moot and/or pointless due to the agreement of Plaintiffs to dismiss the claims they have asserted against Defendant APL LOGISTICS herein;

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned attorneys for the parties, no party hereto being an infant or incompetent:

- 1. Plaintiff's claims asserted herein against Defendant APL LOGISTICS are dismissed pursuant to Rule 41(a) (1) and (c) of the Federal Rules of Civil Procedure, with prejudice and without costs to any party as against any other party.
- To whatever extent Defendant KAWASAKI KISEN KAISHA, LTD. has an extant cross-claim against Defendant APL LOGISTICS, said cross-claim is dismissed without prejudice.
- 4. Defendant APL LOGISTICS shall be omitted from the caption in all future pleadings in this action.
  - 5. As to the remaining claims, this action will proceed and continue forward.

Dated: New York, New York

December \_\_, 2007 January 30, 2008

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From 1, 2008

U.S.D.J.